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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,137	03/31/2000	Douglas J. Durrant	K35A0568	3023
26890	7590	03/24/2006	EXAMINER	
JAMES M. STOVER NCR CORPORATION 1700 SOUTH PATTERSON BLVD, WHQ4 DAYTON, OH 45479			RAO, SHEELA S	
			ART UNIT	PAPER NUMBER
			2125	

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/541,137

Filing Date: March 31, 2000

Appellant(s): DURRANT ET AL.

James M. Stover
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 19, 2005 appealing from the Office action mailed June 15, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazemi, et al. (USPN 6,381,556 B1).

Kazemi et al. teach of a system and method to analyze raw data or manufacturing parameters derived from a manufacturing control facility. The patented reference discloses the use of a data warehouse to store raw data or manufacturing parameters. Then, these parameters or data are analyzed through the use of data-mining algorithms. A data analyzer that includes a number of different basic applications is disclosed in detail. See c. 7; II. 9 et seq.

Additionally, Kazemi teaches the use of the data mining programs to analyze, detect and report the various raw datum or manufacturing parameters. Among the data mining programs, a defect analyzer tool is present to provide the status, to collect, classify, analyze, and interpret defects data collected in the manufacturing pipelines. See c. 19; II. 63, et seq.

Furthermore, a raw data table is present in the stored databases of the collected and summarized manufacturing parameters. Serial numbers of the boards being processed, start dates, product codes, stop date are among the data that is included in the raw data table. See c. 9; II. 40-54.

The limitations of instant claims 1-12 are taught by the patented reference to Kazemi, et al. For the reasons stated above, the limitations of the claimed invention are taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

(10) Response to Argument

Applicant focuses arguments on the use of "raw data" as "manufacturing parameters". Examiner agrees that the "raw data" of the patented reference is equated to the "manufacturing parameters" of the instant invention. On page 1at lines 20-25, of the Applicant's disclosure, examples of a series of "manufacturing parameters" are given. The statement reads, "parameters may comprise, *for example*, direct parameters *such as* the tolerance of a lot of

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resistors, the threshold of a lot of resistors, the capacitance of a lot of capacitors, the reactance of a log of capacitors; or indirect parameters such as the specific supplier from which a particular lot originated; the shipping method used for transporting the lot to the product manufacturer, or the time of year (date code) that the lot of components were manufactured." The stated list is not a finite and explicit definition of the manufacturing parameters. The list is merely stated as an exemplary representation of possible examples of the usable parameters. Exemplary lists are not limiting factors for claimed subject matter and exemplification is not an explicit definition, e.g. "preferred", "such as", "for example", "including". See *Teleflex Inc. v. Ficosa North America Corp.*, 63 USPQ 2d 1374, 1381 (Fed Cir. 2002), *Rexnord Corp. v. Laitram Corp.*, 60 USPQ 2d 1851, 1854 (Fed Cir. 2001), and MPEP 2111.01.

The customary definition of "parameters" is a value. The *Webster's Collegiate Dictionary* defines a "parameter" as an arbitrary constant whose value characterizes a member of a system. Nothing in the context of the claim language precludes interpretation of "parameters" as being analogous to the "raw data" of the Kazemi reference. Furthermore, since the specification of the instant invention has an exemplary list of parameters – NOT an explicit definition – nothing in the specification of the instant invention precludes interpretation of "parameters". Accordingly, the instant claim language does not support the Applicant's argument in its entirety.

In addition, Kazemi teaches the "raw data" as including time and date information, serial numbers, products, modules, etc., such exemplary list overlapping that of the instant disclosure. As a result, the claim language necessarily incorporates at least those overlapping examples of parameters/raw data. Thus, the Examiner's association of "raw data" to "manufacturing parameters" is not unreasonable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

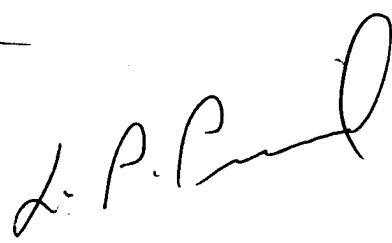
Respectfully submitted,

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